



UNITED STATES PATENT AND TRADEMARK OFFICE

um
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,984	11/19/2001	John T. Moore	303.779US1	9535

7590

04/04/2003

THOMAS J. D'AMICO
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET NW
WASHINGTON, DC 20037-1526

EXAMINER

PHAM, THANH V

ART UNIT

PAPER NUMBER

2823

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,984

Applicant(s)

MOORE ET AL.

Examiner

Thanh V Pham

Art Unit

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-108 is/are pending in the application.
- 4a) Of the above claim(s) 18-39, 44-94 and 97-108 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-17, 40-43, 95 and 96 is/are rejected.
- 7) ☒ Claim(s) 2-3 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 & 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Claims 19-39, 44-94 and 99-108 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions.
2. Applicant's election of species 2, claims 1-17 and 40-43, is acknowledged. Claim 95 is generic as all members of the three species are covered by claim 95.
3. Applicant timely traversed the restriction (election) requirement in Paper No. 9.
4. Claims 1-17, 40-43 and 95-96 are considered in this Office Action.

Claim Objections

5. Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The annealing to control the chemisorptions of conductive material from the second layer into the oxide layer is already recited in claim 2. Further, the method of forming a device is not germane to the issue of patentability of the device itself; therefore, this limitation has not been given patentable weight.
6. Claims 2 and 11 are objected to because of the following informalities:
"semiconductive" should be --conductive--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 4-5 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. The term "an oxide" in lines 2 of claims 4 and 5 is relative term which render the claim indefinite. The term "an oxide" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. In this instant, it is not clear where an oxide is.

10. Claim 17 recites the limitation "the TEOS" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 1-2, 7-8, 12, 15, 40-43 and 95 are rejected under 35 U.S.C. 102(a) as being anticipated by Dalton et al. US 2002/0145200 A1.

The Dalton et al. reference discloses an electrode structure comprising:

a first layer 10 of conductive material [0031];
a dielectric layer 12 formed on a surface of the first layer;
an opening 24 formed in the dielectric layer to expose a portion of the surface of the first layer, fig. 1E;
a binding layer 26 formed on the dielectric layer and on the exposed portion of the surface of the first layer, fig. 1F; and
a second layer 28 of conductive material formed on the conductive binding layer.
The electrode structure is applied in integrated circuits which is inherently supported by the substrate of a semiconductor die, col. 1, lines 4-7.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-2, 6-16, 40-43 and 95-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalton et al. in combination with Kozicki et al. US 2002/0168820 A1 (provided by the applicants).

The Dalton et al. reference teaches a same electrode structure as in the instant invention's claims 1-2, 7-8, 12, 15, 40-43 and 95 including a liner/binding multi-layer [0051] but does not use silicon dioxide.

The Kozicki et al. reference teaches an ion conductor 140 of silicon oxide [0059] is used between conductor 130 of doped polysilicon or tungsten or nickel [0039]-[0040] and electrode 120 of silver [0072].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the filler material of the ion conductor of silicon oxide of Kozicki et al. to the liner/binding layer of Dalton et al. because the substitution would improve the diffusion prevention and adhesiveness between the second conductor and the first conductor as taught by Dalton et al.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh V Pham whose telephone number is 703-308-2543. The examiner can normally be reached on M-T (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 703-306-2794. The fax phone numbers

Application/Control Number: 09/988,984


Page 6

Art Unit: 2823

for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TvP
March 28, 2003


George Foulson
Primary Examiner